

REMARKS

Claims 1-10, 16-26, 31-32, and 34-42 are pending, with claims 1, 16, 23, 31 and 38 being independent. Claims 1, 3-4, 9-10, 16-18, 23-24, 31-32, 35, and 38 have been amended. Claims 11-12 and 33 have been canceled. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Rejections Under 35 U.S.C. §112

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as allegedly being unclear and vague. This contention is respectfully traversed. One skilled in the art would understand the meaning of "pre-determined reliability requirement" given the original disclosure. For example, Applicants disclose that "The upper layer processing unit 402 processes the reliable information to conform it to transmission requirements imposed by the mobile application 302." (emphases added; p. 13, paragraph 37 of the application as filed) and "The lower layer processing unit 408 processes information that does not need to be reliably sent to the home application 306." (emphases added; p. 14, paragraph 39 of the application as filed).

Further, the Office's interpretation of this limitation to mean "TCP/IP" is traversed, because such limited reading of the claim language is clearly contrary to what has been disclosed in the specification. (See, e.g., p. 25, paragraph 70 of the application as filed, which discloses that "Any protocol that offers reliability such as TCP, modified forms of TCP, reliable User Datagram Protocol (UDP), reliable layer two links, and

other similar protocols can be used in the network configuration 200 and adapted to the described examples. Reliability in this context generally refers to transparently providing seamless connectivity, e.g., error detection, flow control, packet recovery, bandwidth control, security, etc., even if the interface between the mobile device 202 and the home network 204 changes." (emphases added).)

In order to expedite prosecution, however, claim 1 has been amended to recite "reliability requirement" instead of "pre-determined reliability requirement." Given the original disclosure, one skilled in the art would understand the meaning of "reliability requirement" recited in claim 1. Therefore, withdrawal of the rejection of claim 1 under 35 U.S.C. §112, second paragraph is respectfully requested.

Claims 1 and 12 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly lacking antecedent basis. Claim 1 has been amended to obviate these rejections. Therefore, withdrawal of the rejections of claims 1 and 12 under 35 U.S.C. §112, second paragraph is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-12, 16-26 and 31-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,360,252 issued to Rudy et al. (hereinafter "Rudy") in view of U.S. Patent No. 6,556,560 issued to Katseff et al. (hereinafter "Katseff"). This contention is respectfully traversed.

Initially, Rudy is not an analogous prior art. A reference is analogous prior art only if it satisfies the two prong test as set forth in *In re Clay*. (See, e.g., MPEP § 2141.01, which states that

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the

field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." Emphases added.

Rudy's techniques for transferring email attachments from client machines to rendering devices (e.g., printers and fax machines) are not in the same field of endeavor as applicants' method of framing and processing a data stream between a mobile device and a home network across a network link. A person of ordinary skill in the art would not have considered transferring e-mail attachments of Rudy and the applicants' framing and processing a data stream as being in the same field of endeavor.

Additionally, Rudy's teachings are not reasonably pertinent to the particular problem with which the applicants are concerned because Rudy's techniques for transferring e-mail attachments are distinctly different from the applicants' solutions for improving communications between a mobile device and a home network over wireless links by preparing reliable information and unreliable information into a data stream to be transmitted across the network link. A person of ordinary skill in the art would not have looked to techniques for transferring e-mail attachments in solving the problems of wireless communications between a mobile device and a home network. Therefore, Rudy is not analogous prior art because Rudy fails to satisfy the two prong test as set forth in *In re Clay*.

Furthermore, even if Rudy can be considered analogous prior art, which it cannot, Katseff cannot be operatively combined

with Rudy. Katseff relates to reducing latency in packet telephony by using an increased sampling rate for the audio data (analog signal) received from the microphone of a telephone. (see, e.g., col. 2, lines 1-10). In sharp contrast, Rudy relates to techniques for avoiding problems in viewing email attachments on a mobile device by transferring the attachment to a rendering device (see, e.g., Col. 1, line 64 to Col. 2, line 9). These are wholly different fields of endeavor, and one having ordinary skill in the art would believe that increased sampling rate techniques would be useless in an email-attachment viewing environment such as Rudy.

Even if Rudy and Katseff can be operatively combined, which they cannot, the Office has still not met its initial burdens of establishing a *prima facie* case of obviousness. (See, e.g., MPEP §2143.)

First, there is no suggestion or motivation, either in the references themselves, in the knowledge generally available to one of ordinary skill in the art, or in the nature of the problems to be solved, to combine the teachings of Rudy and Katseff. Contrary to the Office's assertion that combining Katseff with Rudy would "increas[e] sampling rate [and] allow the audio data to pass much more rapidly through the data conversion buffer", the cited portions of Rudy or Katseff fail to suggest the desirability of the hypothetical Rudy-Katseff combination. Not only is Katseff's teaching wholly different from Rudy's field of endeavor as discussed earlier; in fact, the nature of the problem to be solved by Katseff is also distinctly different from that of Rudy. For example, Katseff states that "What is desired is a way of reducing the latency in packet telephony communications caused by buffering accompanying the analog-digital conversion process in sound cards." (Emphases added; col. 1, lines 65-67.) In contrast, Rudy tries to provide

techniques for "avoiding attachment presentation problems by transferring an e-mail attachment to a device that can render it for presentation to the user." (Emphases added; col. 1, lines 64-67.) Thus, one having ordinary skill in the art applying ordinary common sense would not have used Katseff's solution to the data buffering problem caused by the analog-digital conversion process to solve the attachment presentation problems in Rudy.

Even if assuming that Katseff can be combined with Rudy, which it cannot, a *prima facie* case of obviousness has not been established because the hypothetical Rudy-Katseff combination does not teach or suggest all the limitations of claim 1. For example, the portion of Katseff cited by the Office (Col. 3, lines 50-63) fails to teach or suggest "preparing, at a stream processing unit in the source device, a data stream comprising the first [which has a reliability requirement] and the second information [which does not have a reliability requirement] to be transmitted across the network link" (emphases added) as recited in claim 1 because Katseff merely discloses that the network layer 130 can add well-known network protocols, such as TCP/IP, or UDP/IP, and/or PPP, to the audio data for transmission over a packet network. Katseff, however, does not teach or suggest that the audio data be prepared to include **both reliable information and unreliable information** as required by claim 1.

For example the cited portion of Katseff discloses that "TCP/IP is typically used for control and setup, while UDP/IP is often used for transmitting audio data because UDP/IP does not cause lost packets of audio data to be retransmitted. UDP/IP may be preferred for transmitting audio data because, for packet telephony, retransmitting lost audio data will degrade a conversation." (Emphasis added.) Although Katseff discloses

the availability of using TCP/IP or UDP/IP as the network protocol for the audio data, nowhere does Katseff teach or suggest preparing the audio data so that it includes information that can be transmitted using TCP/IP and information that can be transmitted using UDP/IP.

In addition, contrary to the Office's contention, the portions of Rudy cited by the Office Action (Fig. 4, Col. 10, lines 42-64, and Col. 1 lines 40-50) do not teach or suggest "preparing, at a first unit in a source device, first information to be transmitted to a destination across network link with a pre-determined reliability requirement, wherein the source device comprises a mobile device, and wherein the destination comprises a home network" (emphases added) as recited in claim 1.

In fact, the mobile device in Rudy is not the source device where the information to be transmitted is prepared according to claim 1. (See, e.g., Col. 1, lines 67 to Col. 2 line 4 of Rudy, which states that "the system includes a server machine, and the user's client machine, such as a mobile phone or PDA. The server can present a version of the e-mail item on the user's client, including a descriptor of the attachment rather than the entire attachment itself." (emphases added).) Further, Col. 1 lines 40-50 of Rudy actually teaches the undesirability of using the home network as the destination by stating that "The user could view or hear the attachment by finding a regular computer with a modem to connect to the home network and view and hear attachments, but this is often impractical or impossible, and is generally an undesirable complication." (emphases added). Moreover, Fig. 4 of Rudy merely shows a user's network, a carrier's network, and a provider's network and does not show "destination comprises a home network" as recited in claim 1.

Thus, Rudy does not disclose all the features of independent claim 1, and Katseff is neither asserted to show such claimed features nor does it so teach or suggest. Therefore, the hypothetical Rudy-Katseff combination does not teach or suggest each and every limitation of claim 1 and claim 1 should be in condition for allowance. Independent claims 16, 23, and 38 recite similar features as claim 1 and are patentably distinguishable over the hypothetical Rudy-Katseff combination for analogous reasons to those discussed for independent claim 1.

Additionally, contrary to the Office's contention, the portion of Rudy cited by the Office (Col. 7, lines 14-22) does not teach or suggest "process reliable information", wherein the reliable information is configured to require a reliability requirement for transmission; associate a first header information and a first control information with the reliable information; process unreliable information that does not have a transmission reliability requirement; associate a second header information and a second control information with the unreliable information" (emphases added) as recited in amended claim 31. The cited portion of Rudy is merely a definition of an email attachment according to the "Terms and Terminology" section of Rudy. With all due respect, the Office has mistakenly equated an email attachment to the limitations of claim 31. (See, e.g., p. 7, paragraph 22 of the application as filed, which discloses that "Processing generally refers to preparing the information for or handling the information after transmission on the active interface 304 according to one or more policies imposed, required, or suggested by the application sending the information, the active interface 304, the mobile device 202, and/or the home network 204. Examples of processing operations may include roundtrip and bandwidth optimization, compression,

security (privacy, integrity, etc.), quality of service (QoS), proxy traversal, resistance to connection (interface) loss, reliable handoff of traffic to a new active interface, stream aggregation, and other similar operations." (emphases added).)

Thus, Rudy does not disclose the features of independent claim 31, and Katseff is neither asserted to show such claimed features nor does it so teach or suggest. Therefore, the hypothetical Rudy-Katseff combination does not teach or suggest each and every limitation of claim 31 and claim 31 should be in condition for allowance.

Furthermore, claims 2-10, 17-22, 24-26, 32, 34-36, and 39-42 depend generally from independent claims 1, 16, 23, 31, or 38, these dependent claims are patentably distinguishable over Rudy or Katseff, either alone or in combination for at least the reasons provided above.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants ask that all claims be allowed. Please apply applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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